

### Remarks

Claims 1, 7, 8, 10, and 11 have been amended. Claims 12-18 have been added. Claim 9 has been canceled. Claims 1-8 and 10-18 are now in the case.

#### I. Rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103; Amendments

Claims 1, 2, 7, and 8 have been rejected under 35 U.S.C. 102(b) based on Dong. Claims 1-4 and 6-10 have been rejected under 35 U.S.C. 103 based on Perkitny and in view of Kaufman. Claim 5 has been rejected under 35 U.S.C. 103 based on Dong in view of Japanese Patent JP 0925911. The applicant respectfully disagrees with the rejections.

Claim 1 has been amended to more particularly claim the present invention in one or more embodiments. Claim 1 now specifies:

1. An apparatus comprising:
  - a first device, which includes a first stick having a first tip;
  - a second device which includes a second stick having a second tip; and
  - a third device, which includes a first hollow tube in which a spring is located;wherein the first device is connected to the third device so that the first stick can pivot with respect to the third device;
- wherein the second device is connected to the third device so that the second stick can pivot with respect to the third device;
- wherein in a rest state, the spring causes the first stick to be separated from the second stick so that the first tip and the second tip do not contact each other;
- wherein the first stick and the second stick can be pressed together into a compressed state, so that the first stick pivots with respect to the third device, the second stick pivots with respect to the third device, the spring is compressed by the first and second devices, and the first tip and the second tip come into contact with each other;
- and wherein the first hollow tube and the spring are distinct from each other.

In one embodiment of the present invention a first device 20, a second device 40, and a third device 30 are provided. (Present application, Fig. 2, pg. 3, second paragraph- pg. 4, second paragraph). The first device 20 includes a stick 22 having a tip 22b. (Id.) The second device 40 includes a stick 42 having a tip 42b. (Id.) The third device 30 includes a first hollow tube 34 and

in which a spring 39 is located. (Id.) The first device 20 is connected to the second device 40 so that the first stick 22 can pivot with respect to the third device 30. (Id.) In a rest state, the spring 39 causes the first stick 22 to be separated from the second stick 42 so that the first tip 22b and the second tip 42b do not contact each other. (Id.) The first stick 22 and the second stick 42 can be pressed together into a compressed state so that the first stick 22 pivots with respect to the third device 30, the second stick 42 pivots with respect to the third device 30, the spring 39 is compressed by the first device 20 and the second device 40 and the first tip 22b and the second tip 42b come into contact with each other. (Present application, pg. 6, paragraph 1) The first hollow tube 34 and the spring 39 are distinct from each other.

Dong does not provide a spring in a hollow tube, wherein the spring and the hollow tube are distinct from each other. Dong provides a resilient member or crimped tube 17, which may be similar to a drinking straw. (Dong, col. 2, lns. 15-18; Fig. 1).

Claim 1 is submitted to be allowable for at least the foregoing reasons. Claims 2-6 are dependent on claim 1 and are submitted to be allowable for at least the same reasons.

Claim 3 is dependent on claim 2 (and through claim 2, also claim 1) and further specifies:

**3. The apparatus of claim 2**

wherein the first device includes a second hollow tube connected to a first extension, wherein the first stick can be inserted into the second hollow tube; wherein the first extension can be inserted into a first slot of the block portion; wherein the second device includes a third hollow tube connected to a second extension; wherein the second stick can be inserted into the third hollow tube; and wherein the second extension can be inserted into a second slot of the block portion.

In one embodiment of the present application, the first device 20 includes a second hollow tube, such as hollow tube 24a, connected to a first extension 24b, and the first stick 22 can be inserted into the hollow tube 24a. (Present application, Fig. 1, pg. 4, last paragraph – pg. 5, fourth paragraph). The first extension 24b can be inserted into a first slot 32b of the block portion 32. (Id.) The second device 40 includes a third hollow tube, such as hollow tube 44a connected to a

second extension 44b, and the second stick 42 can be inserted into the hollow tube 44a. (Id.)

The second extension 44b can be inserted into the second slot 32g of the block portion 32. (Id.)

The examiner has rejected original claim 3 under 35 U.S.C. 103 based on Perkitny. This rejection is respectfully traversed. The examiner in discussing Perkitny first refers to a first stick having a first tip 232 and a second stick having a second tip 226, appearing to indicate that arms 220 and 222 are being considered the first and second sticks. (Office Action, 8/26/2005, pg. 3, paragraph number 5). However, the examiner then goes on to state in rejecting claim 3, that the first stick can be inserted into the hollow tube 242 and that the second stick can be inserted into the hollow tube 246. (Office Action 8/26/2005, pg. 4, paragraph number 7). The examiner is respectfully incorrect. It is not possible to insert arm 220 into tube 242 and it is not possible to insert arm 222 into hollow tube 246.

Claim 3 is additionally submitted to be allowable for at least the foregoing reasons. Claim 4 is dependent on claim 3 and is also submitted to be allowable for at least the foregoing reasons.

Although Perkitny does not disclose that the first tip and the second tip come into contact with each other, the examiner states that it would be obvious to modify Perkitny in light of Kaufman. (Office Action 8/26/2005). The applicant respectfully disagrees with the examiner. Perkitny has a housing which prevents the legs 220 and 222 from coming together. (Perkitny, Figs. 9 and 10). The tips of Perkitny's legs 220 and 222 are not adapted for picking up a disc from the center of the disc, moreover, Perkitny already has a central plug, such as 104 and 304 located at its center which is designed to enter the central opening of a disc, and which is essential for the operation of Perkitny. (Perkitny, col. 4, Ins. 33-40, col. 6, Ins. 19-30; col. 5, Ins. 15-18). There is no suggestion whatsoever that Perkitny should be modified by Kaufman and doing so would make it impossible for Perkitny to function in the manner intended.

Claim 7 has been amended to include the limitations of claims 8 and 9. Claim 7 is now in

substance the same as originally filed claim 9 which was indicated by the examiner to be allowable. Claim 7 is respectfully submitted to be allowable. Claims 8 and 10 are dependent on claim 7 and are also submitted to be allowable for at least the same reasons. Claim 9 has been canceled as duplicative.

The examiner indicated that claim 11 would be allowable if rewritten in independent form. Claim 11 has been appropriately rewritten and is submitted to be allowable.

## II. New Claims

Claims 12-18 have been added. Claim 12 is an independent claim and claims 13-18 are dependent on claim 12. Each of claims 12-18 specifies at least a combination of limitations which are not shown by the prior art. Claims 12-18 are respectfully submitted to be allowable.

## III. Conclusion

Claims 1-8 and 9-18 are respectfully submitted to be in a condition for allowance. A credit card for \$100.00 for one extra independent claim is enclosed. Favorable reconsideration of this application, as amended, is respectfully requested.

Respectfully submitted,



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